

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *for* D.C.  
05 DEC 12 AM 10:58

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

MABLE B. BEAL, deceased,  
through DEBORAH K. PUTNAM and  
MAYNARD BEAL, representatives,

RUTH M. SCHAEFFER, deceased,  
through JAN FREEMAN and DORIS  
BICKNELL, representatives,

Plaintiffs,

vs.

WALGREEN CO.,

Defendant.

No. 05-2237 DV

ORDER DENYING PLAINTIFFS' MOTION TO ALTER/AMEND AND/OR FOR  
CLARIFICATION AND RECONSIDERATION OF THE COURT'S ORDER

Before the court is the November 23, 2005 motion of the plaintiffs, Mable B. Beal and Ruth M. Schaeffer, through their representatives, to alter, amend, clarify and reconsider the court's November 14, 2005 order. In that order, the court (1) granted in part the October 7, 2005 motion of the defendant, Walgreen Co., for a protective order; (2) granted Walgreen's October 26, 2005 motion to amend the scheduling order; and (3) stayed discovery. Walgreen opposes the motion.

Motions to reconsider are not to be used to "merely restyle or re-hash the initial issues" or simply to disagree with the court's findings. In *re August, 1993 Regular Grand Jury*, 854 F. Supp.

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1403, 1407 (S.D. Ind. 1994); *F.D.I.C. v. Cage*, 810 F. Supp. 745, 747 (S.D. Miss. 1993). When a party simply "views the law in a light contrary to that of this Court," the "proper recourse" is not to file a motion to reconsider but rather to file an appeal. *Dana Corp. v. United States*, 764 F. Supp. 482, 489 (N.D. Ohio 1991). Upon a careful review of the plaintiffs' motion, the court finds the plaintiffs' arguments duplicative of their earlier arguments and therefore insufficient to warrant reconsideration of the court's prior ruling.

In addition, the court's prior ruling is sufficiently clear. As stated in the court's November 14, 2005 order, "all discovery shall be stayed until fifteen (15) days after the court rules on Walgreen's pending June 21, 2005 motion . . . ." Clearly, any outstanding discovery requests and responses thereto are stayed. Pursuant to the court's order, the time for responding would begin running again fifteen days after the court rules on Walgreen's pending June 21, 2005 motion. At this time, all other dates set by the scheduling order remain in place. If such dates become an issue, the scheduling order may be further amended at the motion of the parties.

Accordingly, the plaintiffs' motion is denied.

IT IS SO ORDERED this 12th day of December, 2005.

  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE



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John A. Peebles  
MCNABB BRAGORGOS & BURGESS, PLLC  
Sixth Floor, 81 Monroe Avenue  
Memphis, TN 38103--540

Larry E. Parrish  
LAW OFFICES OF LARRY E. PARRISH  
6075 Poplar Avenue  
Ste. 420  
Memphis, TN 38119--476

Leland M. McNabb  
MCNABB BRAGORGOS & BURGESS, PLLC  
81 Monroe Ave.  
Sixth Floor  
Memphis, TN 38103--540

Pam Warnock Green  
MCNABB BRAGORGOS & BURGESS, PLLC  
81 Monroe Ave.  
Sixth Floor  
Memphis, TN 38103--540

Honorable Bernice Donald  
US DISTRICT COURT